THE MADRAS LEGISLATIVE COUNCIL.

Saturday, the 26th February 1955.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. Chairman (THE HON. DR. P. V. CHERIAN) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Appeals against Disciplinary Proceedings from Government servants.

* 204 *Q.*—SRI G. KRISHNAMOORTHI: Will the Hon. the Chief Minister be pleased to lay on the table of the House a statement showing—

(i) the number of appeals received by the Government in 1953 against disciplinary proceedings from Government servants;

(ii) the details of the relief prayed for in each appeal; and

(iii) the details of the disposal given to them by the Government?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Chief Minister) :—" (i), (ii) & (iii) A statement [a] is placed on the table of the House."

SRI G. KRISHNAMOORTHI :—" Sir, have the Government in any case enhanced the punishment recommended by the Special Officer for departmental enquiries and the Public Service Commission? "

THE HON. SRI M. BHAKTAVATSALAM :—" Sir, the paper placed on the table of the House furnishes all the information that the Government have."

SRI G. KRISHNAMOORTHI :—" May I ask as a supplementary information whether the Government do consider the long and unblemished service which these Government servants might have put in before dismissing them outright? "

THE HON. SRI M. BHAKTAVATSALAM :—" Government do go into all aspects of the question before they take a final decision about an officer."

SRI G. KRISHNAMOORTHI :—" In view of the fact that pension accrues by long service and sincere service from the initial stages of their cases, may I request the Government not to dismiss Government servants who have put in more than 20 or 25 years of service without giving them any pension but only remove them from service with full compassionate pension? "

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[a] Printed as Appendix I on pages 221–225 infra.

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THE HON. SRI M. BHAKTAVATSALAM :—" Government cannot give any such assurance. It may be a long unblemished service for 25 years. But even after the 25th year, if for one day the officer has been found to be definitely corrupt and if Government consider the dismissal of the officer would be a correct punishment, I think there should not be any objection to that."

SRI G. KRISHNAMOORTHI :—" As many of these persons feel that justice has not been rendered to them, will the Government kindly review their cases, even though they have reviewed them previously and see to it that the maximum punishment given to them is lessened in view of their long service?"

THE HON. SRI M. BHAKTAVATSALAM :—" Government do review the case especially when the aggrieved party makes a representation to Government."

SRI MOHAMED RAZA KHAN :—" Is the Hon. Leader of the House aware of the fact that in some cases, some Government servants have been dismissed purely for committing some irregularities and not for corruption?"

THE HON. SRI M. BHAKTAVATSALAM :—" If the hon. Member puts such a general question, I shall not be able to furnish the information."

SRI A. M. ALLAPICHAI :—" Is it not a fact that the Tribunals for Disciplinary Proceedings do not follow any procedure? They are not governed by the Indian law of evidence. They are not governed by any ideas of law and I know in some cases even on suspicion they pass orders like that?"

THE HON. SRI M. BHAKTAVATSALAM :—" I do not agree with the hon. Member. But the Tribunal that goes into these matters have their own procedure and they do follow the law."

SRI A. M. ALLAPICHAI :—" As a matter of fact I know that this Tribunal is not governed by any law of evidence. They may even sometimes admit irrelevant piece of evidence. They may reject the relevant piece of evidence?"

SRI K. BALASUBRAMANYA AYYAR :—" On a point of order, Sir. This is not a question. It is a speech."

MR. CHAIRMAN :—" He is the Deputy Chairman." (Laughter.)

THE HON. SRI M. BHAKTAVATSALAM :—" The Hon. the Deputy Chairman may argue like that before the Tribunal; but he cannot say here he knows definitely that the Tribunal does not follow any rules or the law of evidence."

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SRI K. BHASHYAM :—" Is it not a fact that so far as the Indian Evidence Act is concerned, some of the best lawyers think that that Act should be overhauled so that evidences which are not now admissible by the present measure may be admitted? "

THE HON. SRI M. BHAKTAVATSALAM :—" I do accept what an eminent lawyer, as the hon. Member is, says."

SRI K. BHASHYAM :—" When the Tribunal makes its recommendation, does it make the recommendation as to what punishment is to be given to the officer concerned? "

THE HON. SRI M. BHAKTAVATSALAM :—" Yes, Sir."

SRI K. BHASHYAM :—" Are all these recommendations also taken into account when the Government pass their final order? "

THE HON. SRI M. BHAKTAVATSALAM :—" They are all taken into consideration. But Government take their final decision after considering all those recommendations."

SRI MOHAMED RAZA KHAN :—" Is the Hon. Leader of the House aware of the fact that during enquiry by the Tribunal, many of the Government servants concerned are not able to produce their witnesses? Many of them complained like that."

THE HON. SRI M. BHAKTAVATSALAM :—" I do not think any such concession could be given like that. But if the hon. Member would like to refer to any particular case, he could bring it to the notice of Government."

SRI G. KRISHNAMOORTHI :—" How is it, Sir, the Government enhance the punishment awarded by the Tribunal in some cases? "

THE HON. SRI M. BHAKTAVATSALAM :—" There is nothing wrong in that. If the Government feel on perusing the judgment of the Tribunal that the punishment awarded should be enhanced, Government can do so."

SRI MOHAMED RAZA KHAN :—" Will the Hon. Leader of the House give at least an assurance that the Government would not merely confirm the decision of the Tribunal but that they would look carefully into the issues involved in each case, as it involves the very future of the persons concerned? "

THE HON. SRI M. BHAKTAVATSALAM :—" I may tell that Government do carefully scrutinize all the issues involved and the judgment of the Tribunal. That is why they take sometime before arriving at any final decision. Therefore I do not think the assurance asked for by the hon. Member is necessary."

Radium allotted for the Mangalore hospital.

* 205 *Q.*—DR. A. SREENIVASAN : Will the Hon. the Minister for Health be pleased to state whether any and, if so, what quantity of radium has been allotted to the Mangalore hospital?